



RESOLUTION

INITIATING AN AMENDMENT TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973, AS AMENDED, RELATING TO THE PUBLIC TRANSIT AUTHORITY.

WHEREAS, in 2007, the Honolulu City Council enacted Ordinance 07-001 selecting a fixed guideway system as the City's locally preferred alternative ("LPA"); and

WHEREAS, Ordinance 07-001 further provided that the LPA for the Project shall be a fixed guideway system between Kapolei and the University of Hawaii at Manoa, starting at or near the intersection of Kapolei Parkway and Kalaeloa Boulevard, with an alignment as follows:

- (1) Section I — Saratoga Avenue/North-South Road and Kamokila Boulevard, as determined by the city administration before or during preliminary engineering, to Farrington Highway;
- (2) Section II — Farrington Highway/Kamehameha Highway;
- (3) Section III — Salt Lake Boulevard and Aolele Street as determined by the city administration before or during preliminary engineering;
- (4) Section IV — Dillingham Boulevard; and
- (5) Section V — Nimitz Highway/Halekauwila Street/Kapiolani Boulevard to the University of Hawaii at Manoa, with the Waikiki branch;

and

WHEREAS, in February of 2007, the Council recognized that although a fixed guideway system covering the entire LPA alignment is the City's long-term goal, due to fiscal constraints, a shorter, operable system would have to be built first with the revenues available; and

WHEREAS, such a shorter system is known as the "minimum operable segment" or "MOS" by the federal guidelines and through Resolution 07-039, FD1(C), the Council approved the MOS for the Project as the portion of the LPA between the University of Hawaii-West Oahu, near the future Kroc-Center, and Ala Moana Center, via Farrington Highway and Kamehameha Highway, to Salt Lake Boulevard, to Dillingham Boulevard, to Nimitz Highway, to Halekauwila Street, and to Ala Moana Center; and



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WHEREAS, in line with the recommendation of a panel of transit consultants convened by his administration to consider whether a rubber tire on concrete, magnetic levitation (mag-lev), monorail, or steel wheel on steel rail technology would be best for the Project, then-Mayor Mufi Hannemann selected steel wheel on steel rail technology for the fixed guideway system (MM 32, 2008); and

WHEREAS, the Council also gave the City Administration approval to commence the necessary planning and preliminary engineering for the MOS; and

WHEREAS, on October 29, 2008, the Federal Transit Administration and the City Administration approved the Draft Environmental Impact Statement ("DEIS") for the Project; and

WHEREAS, on November 4, 2008, the voters of the City and County of Honolulu approved, by a narrow margin, an amendment to the Revised Charter of the City and County of Honolulu 1973, as amended ("Revised Charter"), to authorize the City's Director of Transportation Services to, "[e]stablish a steel wheel on steel rail transit system"; and

WHEREAS, the City's voters were not given any other mass transit options to choose from, and had to select "steel wheel on steel rail" transit or nothing; and

WHEREAS, the vote was also based on the original MOS (the Salt Lake Route); and

WHEREAS, in January 2009, through Resolution 08-261, the Council amended the MOS for the Project based on the DEIS, which underscored the City's 2006 Alternatives Analysis Report that noted that a route serving Pearl Harbor and the Airport (the "Airport Route") was a "better route" that would provide greater ridership and system access compared to a route along Salt Lake Boulevard serving the Salt Lake area (the "Salt Lake Route"); and

WHEREAS, at the time, the Council recognized that the Airport Route was estimated to cost approximately \$200 million more than a Salt Lake Route, but believed that the additional cost was justified; and

WHEREAS, on December 16, 2009, the City Council adopted Resolution 09-252, CD1, which proposed amendments to the Revised Charter, via the following question:

"Shall the revised City Charter be amended to create a semi-autonomous public transit authority responsible for the planning, construction,



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operation, maintenance, and expansion of the City's fixed guideway mass transit system?";

and

WHEREAS, on general election day, November 2, 2010, over 63 percent of those casting votes ratified these Charter amendments to create a public transit authority to be known as the Honolulu Authority for Rapid Transportation ("HART") effective July 1, 2011; and

WHEREAS, on July 1, 2011, management of the Project was transferred from the Department of Transportation Services to HART; and

WHEREAS, the creation of HART also included the establishment of a ten-member Board of Directors ("Board"), which shall consist of nine voting members (seven appointed and two ex-officio) and one non-voting member (one ex-officio); and

WHEREAS, the Board is required or authorized to: 1. Determine the policy for the planning, construction, operation, maintenance, and expansion of the fixed guideway system (Section 17-103(3)(g), Revised Charter); and 2. Prescribe and enforce rules and regulations having the force and effect of law to carry out Charter provisions (Section 17-103(3)(h), Revised Charter); and

WHEREAS, at a current estimated total cost of \$5.5 billion, the "steel wheel on steel rail" Project is the most expensive capital project in the City's history; and

WHEREAS, during a HART Board of Directors meeting on July 21, 2011, a City representative estimated that the cost for consultants and other "soft costs" would total \$1 billion; and

WHEREAS, the City's voters should have the option of deciding on whether HART should continue to develop and operate a "steel wheel on steel rail" fixed guideway system in light of the Council's unilateral change to the Airport Route, which has significantly increased the estimated cost of the Project and decreased the system's usefulness to voters living in the Foster Village and Salt Lake communities; and

WHEREAS, voters should be given the opportunity to consider other quieter and less expensive fixed guideway choices, like the monorail and magnetic levitation; now, therefore,



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BE IT RESOLVED by the Council of the City and County of Honolulu:

1. That it propose, and it is hereby proposed, that the following question be placed on the 2012 general election ballot:

"Shall the Revised City Charter be amended to prohibit the Honolulu Authority for Rapid Transportation from developing, operating, maintaining, and expanding a fixed guideway system that includes "steel wheel on steel rail" technology?"

2. That Section 17-103, Revised Charter of the City and County of Honolulu 1973, ("Powers, Duties and Functions --") as amended, be amended by amending subsection 1 to read as follows:

"1. The public transit authority shall have authority to develop, operate, maintain and expand the city fixed guideway system as provided in this article; provided that steel wheel on steel rail technology shall not be utilized."

3. That in Section 2 of this "Resolved" clause, new charter language is underscored. When revising, compiling, or printing this charter provision for inclusion in the Revised Charter of the City and County of Honolulu 1973, as amended, the Revisor of the Charter need not include the underscoring.
4. That the City Clerk be and is hereby directed:
 - A. To prepare the necessary ballots with the question contained in this Resolution and with spaces for "yes" and "no" votes on the question for presentation to the electors at the 2012 general election. The City Clerk may make technical and non-substantive changes to the form of the question presented in order to conform it to the form of other charter amendment questions presented to the electors at the same election; and
 - B. To publish the above-proposed charter amendments at length in a daily newspaper of general circulation in the City and County of Honolulu at least 45 days prior to its submission to the electors at the 2012 general election.



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5. That upon approval of the charter amendment question posed in this Resolution by a majority of the electors voting thereon, as duly certified, the charter amendments proposed herein shall take effect.

INTRODUCED BY:

TOM BERG

DATE OF INTRODUCTION:

OCT 27 2011

Honolulu, Hawaii

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
C E R T I F I C A T E

RESOLUTION 11-328

Introduced: 10/27/11 By: TOM BERG

Committee: EXECUTIVE MATTERS
AND LEGAL AFFAIRS

Title: RESOLUTION INITIATING AN AMENDMENT TO THE REVISED CHARTER OF THE CITY AND COUNTY
OF HONOLULU 1973, AS AMENDED, RELATING TO THE PUBLIC TRANSIT AUTHORITY.

Links: [RES11-328](#)

Voting Legend: Y= Aye, Y* = Aye w/Reservations, N = No, A = Absent, ABN = Abstain

COUNCIL	11/02/11	MOTION TO PASS ON FIRST READING FAILED.							
ANDERSON	N	BERG	Y	CACHOLA	N	CHANG	N	GABBARD	N
GARCIA	N	HARIMOTO	N	KOBAYASHI	Y*	MARTIN	N		
RESOLUTION 11-328 FILED ON COUNCIL FLOOR.									
ANDERSON	Y	BERG	N	CACHOLA	Y	CHANG	Y	GABBARD	Y
GARCIA	Y	HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y		

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.


BERNICE K. N. MAU, CITY CLERK


ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER